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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/111,578 07/08/98 MAEDA

0	EXAMINER
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MMC2/0604

LACKENBACH SIEGEL MARZULLO  
ARONSON & GREENSPAN  
ONE CHASE ROAD  
PENTHOUSE SUITE  
SCARSDALE NY 10583

ART UNIT	PAPER NUMBER
L00, T	

DATE MAILED:  
2878

06/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/111,578

Applicant(s)

MAEDA, OSAMU

Examiner

Thanh X Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on March 14, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/111,578 is acceptable and a CPA has been established. An action on the CPA follows.
2. Since there were no remarks or amendments subsequent to the filing of the CPA, the rejection set forth in previous Office Action is still proper and is repeated below
3. Claims 1, 2 and 8-25 are currently pending.

### ***Claim Rejections - 35 USC § 112***

4. Claims 1, 2 and 8-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 5-7, the light guiding member is claimed to be conducting detection of the leading and entraining detection of the magnetic tape. It is unclear if the detection of the leading and entraining of the magnetic tape is detected by another light receiving element or the same light receiving element for receiving light guided onto the reel. Or how the detection of the magnetic tape is accomplished.

Claims 2 and 8-25 are indefinite by virtue of their dependency on an indefinite claim.

### ***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2 and 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (Figures 2-5), hereinafter, AAPA.

Regarding claim 1, AAPA (Figure 3) discloses a light emitting element (41) and light receiving element (not shown) for detecting the leading or entraining end of a magnetic tape within a cassette, a light guiding member (52) for guiding the light from the light emitting element into the cassette for conducting leading and entraining end detection, and for directly guiding the light onto the side of a reel (12), a light receiving element (51) for receiving light guided onto the side of the reel, a light guiding portion or screening portion (12) provided on the reel; the light emitting element is provided under the deck chassis; and the light guiding member guides the light from the light emitting element to the light receiving element under the deck chassis by way of the light passing or screening portion. Thus, as demonstrated by AAPA, a reel rotation and detection mechanism for a video cassette deck are notoriously well known. Various configurations of light emitting elements and light detecting elements are disclosed. In Figure 4 of AAPA, magnetic tape detection is accomplished with the light emitting and detecting elements both under the deck chassis. However, AAPA do not specifically disclose the reel detection mechanism as consisting of a light path from the light emitting element below the deck chassis to a point above the deck chassis and directed

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by way of a light passing portion on the reel when aligned with an opening portion on the deck chassis to the light receiving element under the deck chassis. However, such a modification is simply a translation of the detector (51 of Figure 3) from being above the deck chassis to being disposed below the deck chassis and redirecting the light down towards the detector. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to dispose the light receiving element below the deck chassis in AAPA (Figure 3) since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Furthermore, it is known to dispose the light emitting and receiving elements below the deck chassis as demonstrated by AAPA (Figures 4 and 5)

Regarding claim 2, the apparatus of AAPA (Figure 4) would inherently include an opening in the deck chassis (20) for light from reflectors (44a, 44b) to be transmitted to light receiving elements (42a, 42b), otherwise the leading and entraining end could not be detected.

Regarding claims 8 and 9, AAPA (Figure 3) discloses the light guiding member having a pillar portion (52) extending through the deck chassis to guide the light from the light emitting element into the cassette (not shown) and sideways to illuminate the light receiving element.

Regarding claims 18-21, AAPA (Figure 4) discloses the light receiving element (42a, 42b) provided under the deck chassis and a reflection plate (44a, 44b) for reflecting the light downwards from above the deck chassis. Furthermore, it would require only routine skill in the art to redirect light for proper detection.

Regarding claims 10-17 and 22-25, AAPA (Figure 3) further discloses the disk portion of the reel having a light passing or screening portion (12, 54). AAPA (Figure 5) also discloses the light emitting and receiving element being provided on a substrate under the deck chassis. Further, as mentioned above it would require only routine skill in the art to dispose the light receiving element of AAPA (Figure 3) below the deck chassis as desired.

### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seungsook Ham, can be reached on (703) 308-4090. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl

May 31, 2001

  
Que T. Le  
Primary Examiner